

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.84 OF 2007

Shri.Khimji Bhai s/o Harjeevandas
Patadia ..Applicant
Vs.
State of Maharashtra ..Respondents

...
Mr.J.S.Padam with R.N.Kachare Advocate for
Ms.S.V.Gajare A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : FEBRUARY 23, 2007

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is facing prosecution in C.C.No.73/P/2003 which is pending before the learned Metropolitan Magistrate, 37th Court, Esplanade, Mumbai. The said case is under Sections 384, 385 and 387 r.w. 34 of IPC. The applicant had preferred an application for discharge before the learned Magistrate. The said application came to be rejected. Being aggrieved thereby, the applicant preferred Criminal Revision Application St.No.6024 of 2006 before the Sessions Court. As there was delay in preferring the said revision, Misc. Application No.1874 of 2006 came to be

preferred for condonation of delay. By order dated 27.11.2006 the learned Sessions Judge rejected the application for condonation of delay. The learned counsel for the applicant stated that as the mother of the applicant was sick, he had gone to his native place at Ahmedabad where his mother was residing and he had been there for almost a period of one year. During that period, he used to come to Mumbai only to attend the Court and thereafter, he used to return to Ahmedabad. Looking to these facts, though there has been delay on the part of the applicant in preferring the revision, in the interest of justice, I am inclined to condone the same.

3. On the applicant paying costs of Rs.2,000/- to the State, the delay is condoned. The order dated 27.11.2006 passed by the learned Additional Sessions Judge, Brihanmumbai is set aside. The learned Judge shall dispose of the said revision on merits.

4. Application is disposed of.

[V.K.Tahilramani, J.]

